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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 356 OF 2007

Sanjay S. Sagale . . . Applicant

Vs.

The State of Maharashtra . . . Respondent

Mr. Subhash Jha , Sr. Advocate for the applicant.

Mr. Y. S. Shinde, APP for the State.

CORAM : J.H. BHATIA, J.

DATE : FEBRUARY 9, 2007.

P.C.

. Heard Mr. Subhash Jha, the learned senior counsel for the applicant and Mr. Y. S. Shinde, the learned APP for the State. The applicant has filed this application for anticipatory bail in Sessions Case No. 402 of 1994 on the file of 5th Ad-hoc Additional Sessions Judge, Thane. It appears that in an event which had taken place in 1992, Crime No. I-362 of 1992 was registered with Rabala Police Station, for the offences punishable under S. 395, 397, 398 and 427 of I.P.Code. Applicant was arrested and granted bail. Case was committed to the Court of Sessions in 1994. As the applicant was absent for long time, on 21-10-2002 non bailable warrant was issued and on 7-12-2002 a proclaimation was issued against him. A warrant and proclaimation are still in force. According to the applicant, he was not aware about the dat e in the matter and because of certain

difficulties, expressed in the application, he could not remain present. Therefore, in the event of his arrest, he be granted anticipatory bail. As the applicant was already granted bail and he appears to have jumped the bail, a non-bailable warrant and proclaimation were issued against him. The question of granting anticipatory bail does not arise. The learned counsel for the applicant makes a statement that applicant shall appear before the Sessions Court on 13th February 2007 and make appropriate application. He prays that protection against arrest may be given till his application for cancellation of warrant is decided and for certain time thereafter, if his application is rejected. As he is willing to appear before the Sessions Court on 13th February, 2007 I find no difficulty in granting protection against arrest till that day. However, I see no justification in granting any protection beyond the period, in case his application is rejected, taking into consideration nature of the matter.

. In view of the abvoe statement made by

the learned counsel for the applicant, applicant shall apear before the trial Court on 13th February 2007. He may move an application for cancellation of warrant, which shall be decided by the learned Additional Sessions Judge, strictly on its own merit, without being influenced by anything stated in this order. The applicant shall not be arrested till 13th February 2007 and in case his application is not decided on the same day, till his application for cancellation of warrant is decided by the learned Additional Sessions Judge. The application stands disposed of with above direction.

. Parties shall act on the authenticated copy of this order.

Sd/-
[J. H. BHATIA, J.]

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